

ORDINANCE NO. 48-928

AN ORDINANCE CHANGING THE ZONING CLASSIFICATIONS OR DISTRICTS OF CERTAIN LANDS LOCATED IN THE CITY OF WICHITA, KANSAS, UNDER THE AUTHORITY GRANTED BY THE WICHITA-SEDGWICK COUNTY UNIFIED ZONING CODE, SECTION V-C, AS ADOPTED BY SECTION 28.04.010, AS AMENDED.

BE IT ORDAINED BY THE GOVERNING BODY
OF THE CITY OF WICHITA, KANSAS.

SECTION 1. That having received a recommendation from the Planning Commission, and proper notice having been given and hearing held as provided by law and under authority and subject to the provisions of The Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by Section 28.04.010, as amended, the zoning classification or districts of the lands legally described hereby are changed as follows:

Case No. ZON2010-00043

Zone change request from SF-5 Single-Family Residential ("SF-5") to LC Limited Commercial ("LC"), with a PO Protective Overlay on properties described as:

Lots 1 and 2, Block H, Westerlea Village Addition to Wichita, Sedgwick County, Kansas; generally located east of Ridge Road, south of Maple Street, on the southwest corner of Summitlawn Street and University Avenue.

SUBJECT TO THE FOLLOWING PROVISIONS OF PROTECTIVE OVERLAY DISTRICT #248:

- A.** No off-site or portable signs shall be permitted on the subject property. No signs shall be permitted along the face of any building or along any street frontage that faces or is across the street from any property that is in a residential zoning district. Signs shall be monument style and all other signs shall be according to the City of Wichita Sign Code for the LC Limited Commercial zone district.
- B.** Light poles shall be of the same color and design and shall have cut-off fixtures which direct light away from any abutting or adjacent properties that are in a residential zoning district. Light poles shall be limited to a maximum height, including the base of the light pole, of 25-feet.
- C.** Outdoor speakers and sound amplification systems shall not be permitted, with the exception of restaurant order boards.
- D.** No buildings shall exceed one story in height with a maximum building height of 25 feet.
- E.** A six (6) to eight (8) foot tall masonry wall shall be constructed parallel to the east property line of the subject site, where it abuts existing single-family residences and SF-5 Single-family Residential zoning. A six (6) to eight (8) foot tall cedar fence shall be constructed parallel to the south property line of the subject site, where it abuts existing single-family residences and SF-5 Single-family Residential zoning.
- F.** A 10-foot wide landscape buffer will be provided along the south and east sides of the subject site. A minimum of five foot tall evergreens will be planted at 20-foot centers along the south and east sides. Landscaping will be 1.5 times more than the minimum required by the Landscape Ordinance along the site's street frontage.

- G.** All deliveries and trash service shall be between the hours of 6 AM and 10 PM.
- H.** The subject site shall comply with the compatibility setback standards on the interior side (south) and rear yards (east).
- I.** At the time of platting, all access onto public right-of-way, cross lot access, utility easements, drainage and the final size and configuration of the subject site shall be resolved, per the standards of the Subdivision standards, as reviewed and recommended by the staff and the appropriate appointed and governing bodies.
- J.** The following uses shall not be permitted: adult entertainment establishment; group residence; correctional placement residence; recycling collection station; reverse vending machine; car wash; convenience store; night club; recreation and entertainment; service station; tavern and drinking establishment; and vehicle repair.

SECTION 2. That upon the taking effect of this Ordinance, the above zoning changes shall be entered and shown on the "Official Zoning Map" previously adopted by reference, and said official zoning map is hereby reincorporated as a part of the Wichita-Sedgwick County Unified Zoning Code as amended.

SECTION 3. That this Ordinance shall take effect and be in force from and after its adoption and publication in the official City paper.

ADOPTED this 11th day of January, 2011.

ATTEST:

Karen Sublett, City Clerk

Carl Brewer, Mayor

(SEAL)

Approved as to form:

Gary E. Rebenstorf, Director of Law